

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

THE CONSTRUCTION INDUSTRY)	
RETIREMENT FUND OF ROCKFORD,)	
ILLINOIS and THE CONSTRUCTION)	
INDUSTRY WELFARE FUND OF)	District Judge: Frederick J. Kapala
ROCKFORD, ILLINOIS,)	
)	Magistrate Judge P. Michael Mahoney
Plaintiffs,)	
)	Case No. 12-cv-50319
vs.)	
)	
HARN CONSTRUCTION, INC.,)	
)	
Defendant.)	

MOTION FOR ENTRY OF DEFAULT JUDGMENT
IN A SUM CERTAIN

The Construction Industry Retirement Fund of Rockford, Illinois, and The Construction Industry Welfare Fund of Rockford, Illinois, (hereinafter referred to as "Plaintiffs" or "the Funds") state as follows for their Motion for Entry of Default Judgment in a Sum certain against defendant, Harn Construction, Inc.:

1. Plaintiffs filed a complaint in this matter on September 5, 2012. (Dkt # 1).
2. Defendant was served with the complaint and Summons on September 11, 2012, making its responsive pleading due no later than October 2, 2012. (Dkt # 7).
3. On December 5, 2012, the District Court entered an Order finding defendant in default for failing to file a responsive pleading. (Dkt # 13).
4. To date, defendant has not had an appearance filed on its behalf or filed any form of responsive pleading.

5. Pursuant to the complaint, defendant is liable for unpaid contributions to the Funds and late fees which were accrued in January 1, 2011, and intermittently thereafter, pursuant to the collective bargaining agreement and subsequent trust agreements to which defendant is bound.

6. According to the Affidavit of Shelli McPeck on behalf of the Funds, attached hereto as Exhibit A, Defendant is liable for \$25,716.26 in unpaid contributions, audit fees, and liquidated damages, all of which are recoverable under the applicable agreements.

7. The Declaration Regarding Attorney's Fees, attached as Exhibit B, indicates that an additional \$2,520.00 is due and owing for the costs and attorneys fees incurred in pursuing this case against defendant, the recovery of which is provided for in the applicable agreements.

8. Based upon the forgoing, a default judgment should enter under Rule 55(b) in the amount of **\$28,236.26** (\$25,716.26 in unpaid contributions, liquidated damages, and audit costs, plus \$2,520.00 in attorney's fees and costs = \$28,236.26).

WHEREFORE, Plaintiffs respectfully move this Court for entry of a default judgment against Defendant, Harn Construction, Inc., in the amount of \$28,236.26.

THE CONSTRUCTION INDUSTRY WELFARE
FUND OF ROCKFORD, ILLINOIS; THE
CONSTRUCTION INDUSTRY RETIREMENT
FUND OF ROCKFORD, ILLINOIS, Plaintiffs,
By: WILLIAMS McCARTHY, LLP

By: /s/Troy E. Haggstad
Troy E. Haggstad

Troy E. Haggstad, Esq. (#06229384)
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CERTIFICATE OF LAWYER AND NOTICE OF ELECTRONIC FILING

The undersigned certifies that:

- 1) On January 16, 2013, the foregoing document was electronically filed with the District Court Clerk via CM/ECF filing system; and
- 2) On January 16, 2013, the foregoing document was placed in the U.S. mail with postage paid, addressed to the following:

Harn Construction, Inc.
c/o Kevin Harn, Registered Agent
4532 N. Flansburg Road
Lena, IL 61048

/s/ Troy E. Haggstad

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